

REMARKS

Applicants respectfully traverse and request reconsideration.

Claims 2, 5-6, 9, 10-12, 14, 16, 20-21 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse and submit that the claim language in light of the specification are not vague or indefinite. In any event, Applicants have amended the claims to expedite prosecution.

Claims 1-21 are rejected under 35 U.S.C. § 101 as non-statutory. Applicants thank the Examiner for the additional information provided, but respectfully traverse and request reconsideration since the body of the claims were previously amended to indicate that the steps, for example as shown in claim 1 and other independent claims, are performed by at least one digital computing device. As such, since the body of the claims already cite adequate structural relationships that are non-trivial, the fact that the preamble does not include the same language does not render a claim unpatentable since the preamble is typically not a claim limitation in the first place. As such, Applicants respectfully request reconsideration or if the rejection is maintained, precedential case law that actually identifies what is improper about Applicants' pending claims. Since the preamble is not a limitation, but is typically provided merely to give a environment for the claim, Applicants respectfully submit that the claims are directed to patentable subject matter.

Claims 1, 4, 6, 8, 10-11, 13-15, 18-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Szlam et al. in view of White et al. The Szlam reference is

directed to a customer service system or telemarketing system that uses an agent qualification profile in conjunction with a customer sensitivity profile to automatically assign available resources such as agents to the various customer service campaigns. The Szlam reference does not teach or suggest any type of method for improving debt collection from a plurality of debtors nor any attitudinal classifying of debtors into attitudinal segments according to attitudinal profiles where the segments suggest a debt collection strategy to employ with respect to the debtor as no debt collection strategies of any kind are taught in the Szlam reference.

For example, the office action cites column 1, lines 1-10 and column 22, lines 50-67 and column 23, lines 1-10 as allegedly teaching “quote enhancing debt collection from a plurality of debtors including attitudinally classifying a debtor (and debtor likelihoods) into at least one of a plurality of attitudinal elements according to a plurality of attitudinal profiles...each of said elements suggesting a debt collection strategy which is then assigned (via a relative value) and employed (rejection, page 4).” However, the cited portions are silent as to the claimed subject matter. In fact, for example, column 21, lines 1-10 teach that the customer sensitivity profile taught in the Szlam reference is completely different from the claimed attitudinal debtor classification segments. For example, the examples of the customer sensitivity profile contents used by Szlam include for example if a fax is a preferred method of contact, the time, day and date of month that the customer wishes to receive the correspondence, the telephone numbers at which the customer wishes to receive the correspondence and the language in which the customer wishes the correspondence to be written. These are document delivery preferences. There is no teaching or suggestion of any attitudinal classification or attitudinal segments

wherein the segment suggests debt collection strategy to employ with respect to a debtor. Accordingly, the claim is in condition for allowance. In addition, it is noted that there is no assigning of a debt collection strategy to a debtor based on the attitudinal segment into which the debtor was classified. Among other advantages, Applicants' system may classify members or debtors into different segments based on identifying attitudes of respondent debtors wherein the attitudes with respect to debtor surveys or sampling of debtors to determine their attitudes toward repaying debt. In one example, sociodemographic characteristics of debtors are used to attitudinally classify a debtor into one of a plurality of attitudinal segments. The references are silent as to such operations.

The Szlam reference has been cited as teaching all of the claimed subject matter except for the claim terms "modeling" and "segments". However as noted above, the Szlam reference does not teach the other alleged claim limitations and as such, the claims are in condition for allowance. Moreover, the application of the White reference also appears to be improper since the claim must be evaluated as a whole and selectively choosing words that are taken out of their context of the claim in an attempt to render a claim unpatentable is improper. In any event, White is directed to a different system from either Applicants' claimed invention or the Szlam reference and instead deals with a computer collection model that is used to determine the amount and types of commission that should be paid to debt collection entities and to determine when certain deals should be offered on the debt. Neither the references alone or in combination teach the claim language as noted above and as such, the claims are in condition for allowance.

The dependent claims also add additional novel and non-obvious subject matter.

Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Szlam et al. in view of White et al as applied to claim 1 above, and further in view of Hamscher. Applicants respectfully reassert the relevant remarks made above with respect to the independent claims and as such, this claim is also in condition for allowance.

Claims 2, 5, 7, 9, 12, 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Szlam et al. in view of White et al. as applied to claims 1, 4, 6, 8, 10-11, 13-15, 17-21 above, and further in view of Makuch et al. Applicants also respectfully assert that these claims are also allowable as depending from an allowable base claim. Moreover, the Makuch reference does not teach that attitudinal profiles classify debtors into at least first, second and third segments based on identifying attitudes of at least some debtors with previous debt collection experiences. As such, the claims are in condition for allowance.

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Szlam et al. in view of White et al. in further view of as applied above, and further in view of Hamscher in view of Makuch et al. This claim is allowable at least as depending upon an allowable base claim.

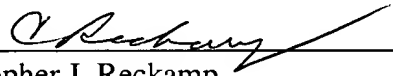
Claims 1, 4, 6-8, 10, 15, 18-21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 5-7 of co-pending Application No. 10/011,523 in view of Szlam et al. Applicants state that the co-pending application was co-owned by the same Assignee at the time of the instant invention. As such, Applicants respectfully request the withdrawal of the provisional double patenting rejection.

Claims 1, 3-4, 6-8, 15, 18-21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of co-pending Application No. 10/200,262 in view of Szlam et al. Applicants state that the co-pending application was co-owned by the same Assignee at the time of the instant invention. As such, Applicants respectfully request the withdrawal of the provisional double patenting rejection.

Applicants respectfully submit that the claims are in condition for allowance, and an early Notice of Allowance is earnestly solicited. The Examiner is invited to telephone the below-listed attorney if the Examiner believes that a telephone conference will expedite the prosecution of the application.

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Respectfully submitted,



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